

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:19-cv-00183-MR**

BERTHA LOUISE COVINGTON,

Plaintiff,

vs.

**ANDREW SAUL,
Commissioner of Social Security,**

Defendant.

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for Attorney's Fees and Costs under the Equal Access to Justice Act [Doc. 25].

The Plaintiff seeks an award of attorneys' fees and costs in full satisfaction of any and all claims by the Plaintiff in this case pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). [Doc. 25]. Subsequent to the filing of this motion, the parties stipulated to an award of \$5,000.00. [Doc. 27]. In light of the Court's prior remand of this matter, and in the absence of any contention by the Commissioner that his position was substantially justified or that special circumstances exist that would render an award of attorney's fees unjust, the Court concludes that the Plaintiff is entitled to an award of attorney's fees under the EAJA. The Court therefore

will order the Defendant to pay the Plaintiff \$5,000 in attorneys' fees in full satisfaction of all claims arising under the EAJA. Such award shall be made payable to the Plaintiff and sent to the Plaintiff's counsel, provided that it is shown that the Plaintiff does not owe any debt to the United States Government which is subject to offset. See Astrue v. Ratliff, 560 U.S. 586 (2010).

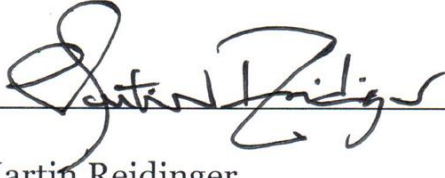
IT IS, THEREFORE, ORDERED that:

- (1) The Plaintiff's Motion [Doc. 25] is hereby **GRANTED** to the extent that the Plaintiff is hereby awarded attorney's fees in the amount of Five Thousand Dollars (\$5,000.00), which sum is in full satisfaction of any and all claims by the Plaintiff in this case pursuant to 28 U.S.C. § 2412(d);
- (2) Within thirty (30) days of the entry of this Order, or some other time as determined by the Court upon good cause shown, the Commissioner shall inform Plaintiff's counsel whether the Plaintiff owes a debt to the Government by which this fee award may be offset;
- (3) In the event that past-due benefits are awarded on remand, the Plaintiff shall have sixty (60) days after being served with notice

- of the past-due benefits award to file for an award of fees pursuant to the Social Security Act, 42 U.S.C. § 406(b); and
- (4) No additional Petition pursuant to 28 U.S.C. § 2412(d) may be filed.

IT IS SO ORDERED.

Signed: July 9, 2020



Martin Reidinger
Chief United States District Judge

